REMARKS

STATUS OF CLAIMS

Claims 1-27 are pending.

Claims 5, 7, 11-14, 19 and 22-26 are allowed.

Claims 3 and 4 are objected to but indicated to be allowable if rewritten to include all of the limitations of the base claim and any intervening claims.

Since claim 3 is believe to have been suitably rewritten in independent form in the Amendment filed July 24, 2003. Reconsideration of this objection is respectfully requested.

Claims 1-2, 6, 8-10, 15-18 and 20-21 are rejected.

By this Amendment, claims 1, 6, 8-9, 17-21 and 27 have been amended. Therefore, claims 1-27 are now presented for consideration.

No new matter is presented in the foregoing claim amendments, accordingly, approval and entry of same are submitted to be proper and are respectfully solicited.

ENTRY OF AMENDMENT UNDER 37 C.F.R. § 1.116

Applicant requests entry of this Rule 116 Response because the claim amendments should not entail any further search by the Examiner; and the amendments do not significantly alter the scope of the claim and otherwise place the application at least into a better form for purposes of appeal.

The Manual of Patent Examining Procedures sets forth in Section 714.12 that "any amendment that would place the case either in condition for allowance or in better form for appeal may be entered." Moreover, Section 714.13 sets forth that "the Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The Manual of Patent Examining Procedures further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

EXAMINER INTERVIEW

An examiner interview was held between Applicant's Representative and the Examiner via telephone on August 29, 2003. Applicant's Representative requested clarification about the rejection of claims 1 and 6 related to the recitation of "resetting maximum amplitude data" (see claim 1) and similar recitations in claim 6. Applicant's Representative believes that the Interview Summary mailed October 1, 2003 is a complete summary of the examiner interview.

REJECTIONS UNDER 35 U.S.C. §102(b) and 35 U.S.C. §103(a)

In the Office Action, at pages 2-4, item 3, claims 1, 8-10 and 15-17 are rejected under 35 U.S.C. §102(b) as being anticipated by Yamamoto et al. (U.S. Patent No. 5,897,296).

In the Office Action, at pages 4 and 5, item 4, claim 2, 6, 18, 20-21 and 27 are rejected under 35 U.S.C. §103(a) as being unpatentable over Yamamoto et al. as applied in claim 1.

Reconsideration is respectfully requested.

Claim 1

Claim 1, which is directed to an apparatus for controlling a linear compressor, recites "resetting maximum amplitude data of the piston of the linear compressor to reset the preset reference value according to the detected peak of the output signal."

Yamamoto et al. Reference

Yamamoto et al. discloses:

"[t]he driving force control section 16A compares a preset upper dead point position reference value (X in FIG. 3) with an upper dead point position detected by the upper dead point position detecting section 15A ...

If the upper dead point position does not reach the upper dead point position reference value as a result of the comparison ..., the driving force control section 16A increases a driving force of the piston driving section 13A according to a difference between the upper dead point position and the upper dead point position reference value (an upper dead point deviation d1 in FIG. 3) ...

If the upper dead point position is equal to the upper dead point position reference value (t2 in FIG. 3), the driving force control section 16A keeps the current driving force ..., and if the upper dead point position exceeds the upper dead point position reference value, the driving force control section 16A detects that the upper dead point position detecting section 15A has detected an upper dead point position (t3 in FIG. 3) and then immediately attenuates a driving force

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of the piston driving section 13A according to a difference between the upper dead point position and the upper dead point position reference value (an upper dead point deviation d2 in FIG. 3). (See Yamamoto et al at column 8, line 51 to column 9, line 27."

However, Yamamoto et al. fails to disclose or suggest anything related to "resetting maximum amplitude data of the piston of the linear compressor" and furthermore, thereby "to reset the preset reference value according to the detected peak of the output signal" (as recited in claim 1.) This is because Yamamoto et al. merely changes a driving force given to the piston 12A based on "a preset upper dead point position reference value (X in FIG. 3.)" (See Yamamoto et al. at column 9, lines 34-38.) In particular, in the Yamamoto et al. compressor the preset upper dead point position reference value cannot be reset to a different value. ⟵

Accordingly, claim 1 is submitted to be allowable for the above-mentioned reasons.

Claims 2, 6, 8-10, 15-18, 20-21 and 27

Independent claims 6, 8, 17-18, 20 and 27 are submitted to be allowable for reasons similar to those of claim 1, as well as for the additional recitations therein.

Claims 2, 9-10, 15-16 and 21, which depend from claims 1, 8, 18 and 20, are submitted to be allowable for the same reasons as their respective base claims, as well as for the additional recitations therein.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that affect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.
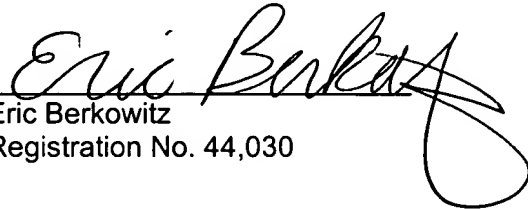
If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

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